

**ZAGORIN, O'BRIEN & GRAHAM, L.L.P.**

7600B N. CAPITAL OF TEXAS HWY, SUITE 350  
AUSTIN, TEXAS 78731-1191

INTELLECTUAL PROPERTY ATTORNEYS

512-338-6300 (TEL)  
512-338-6301 (FAX)

INTERNET: [www.ip-counsel.com](http://www.ip-counsel.com)

March 22, 2004

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attorney Docket No.: 028-0124-1

Transmitted herewith for filing is a New Patent Application as follows:

Inventor(s): John G. Bartkowiak

Title: TONE DETECTOR WITH NOISE DETECTION AND DYNAMIC  
THRESHOLDING FOR ROBUST PERFORMANCE

which is a ☒ Continuation  
☐ Divisional  
☐ Continuation-in-part (CIP)

of Prior Application No. 09/160,415, filed September 25, 1998.

Enclosed are:

- ☒ Application Data Sheet (2 page(s))
- ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i) (\_\_\_\_ page(s))
- 26 Pages of Written Description (including Specification, Claims and Abstract)
- 7 Sheets of Drawings, ☒ Formal / ☐ Informal
- ☒ Declaration for Patent Application (2 pages)
  - ☒ Executed Copy from the above-identified Prior Application
  - ☐ Newly Executed
  - ☐ Unexecuted
- ☐ Preliminary Amendment (\_\_\_\_ pages)
- ☐ Assignment of the Invention (\_\_\_\_ pages, including Cover Sheet)
- ☐ Information Disclosure Statement (\_\_\_\_ pages)
  - ☐ with Form(s) PTO 1449 (\_\_\_\_ page(s)) and copies of \_\_\_\_ cited reference(s)
- ☒ Other: Copy of Power of Attorney by Assignee filed in parent application no. 09/160,415 (2 pages), including copy of return postcard (1 page);
- ☒ Other: Check in the amount of \$1,054
- ☒ This Transmittal Letter (in duplicate) ☒ Return Postcard

In this New Patent Application,

- ☐ Please amend the specification of this New Patent Application by inserting, before the first line thereof, the following:

*This application is a Continuation/Divisional/Continuation-in-part of co-pending Application No. \_\_\_\_\_ filed \_\_\_\_\_, the entirety of which is incorporated herein by reference.*

- ☐ n/a
- ☐ Prior to calculating fees, please enter the above-identified Preliminary Amendment.
- ☐ Prior to calculating fees, please cancel claims: n/a.

New Patent Application Transmittal  
 March 22, 2004  
 RE: Attorney Docket No. 028-0124-1  
 Page 2 of 2

FEE CALCULATION

	Number Filed	Number Extra	Rate	Fee
Basic Fee =				770.00
Total Claims	31 - 20	= 11	x \$18.00 =	198.00
Independent Claims	4 - 3	= 1	x \$86.00 =	86.00
Multiple Dependent Claims (if any) - \$290.00 fee				0.00
Other: N/A				0.00
TOTAL FILING FEE				\$1,054.00

- ☐ Applicant is a Small Entity.
- ☒ A check is enclosed for the Total Filing Fee shown above.
- ☐ Please charge the Total Filing Fee shown above to Deposit Account: 50-0631.
- ☒ The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. § 1.16 or 1.17 that may be required during the pendency of this New Patent Application, and to similarly credit any overpayment, to Deposit Account: 50-0631.

CORRESPONDENCE ADDRESS

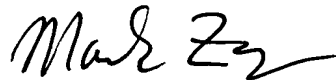
Please enter the following as Correspondence Address:

Customer Number 22120  
**ZAGORIN, O'BRIEN & GRAHAM, L.L.P.**  
 7600B N. CAPITAL OF TEXAS HWY, SUITE 350  
 AUSTIN, TX 78731

Telephone: (512) 338-6300  
 Facsimile: (512) 338-6301

EXPRESS MAIL LABEL: EV 401038635 US

Respectfully submitted,



Mark Zagorin, Reg. No. 36,067  
 Attorney for Applicant(s)  
 (512) 338-6315  
 (512) 338-6301 (fax)